



# MINUTES

## OCONEE COUNTY COUNCIL

### Regular Meeting

### March 17, 2020

**MEMBERS, OCONEE COUNTY COUNCIL**  
Mr. John Elliott, Chair Pro Tem, District I  
Mr. Paul Cain, Vice Chair, District III  
Mr. Julian Davis III, Chairman, District IV  
Mr. Glenn Hart, District V  
Mr. Wayne McCall, District II

Oconee County Council met at 6:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members [Mr. Cain was present via FaceTime], County Administrator Amanda F. Brock, County Attorney David Root, Katie D. Smith, Clerk to Council present.

**Press:** Pursuant to the Freedom of Information Act, notice of the meeting, date, time, place of meeting and agenda were posted on the bulletin board at the County Administrative Offices, 415 South Pine Street, Walhalla, SC, and the County Council website [[www.oconeesc.com/council](http://www.oconeesc.com/council)]. In addition, it was made available [*upon request*] to the newspapers, radio stations, television stations and concerned citizens.

Members of the press present: None at this meeting.

### **Call to Order:**

Mr. Davis called the meeting to order at 6:00 p.m.

### **Public Comment Session**

None at this meeting.

### **County Council Response to Public Comment**

None at this meeting.

### **Moment of Silence**

Mr. Davis asked for a moment of silence prior to the Invocation by the County Chaplain.

### **Invocation by County Council Chaplain:**

Mr. Root, County Council Chaplain, gave the invocation.

### **The Arrows of Light Scouts presentation**

The Arrows of the Light Scouts presentation is postponed until April 21, 2020 County Council meeting.

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### **Pledge of Allegiance:**

Mr. Elliott led the Pledge of Allegiance to the Flag of the United States of America.

### **Approval of Minutes**

Mr. Elliott made a motion, seconded by Mr. Hart, approved 5 – 0, to approve the March 3, 2020 Regular Minutes as presented.

### **Administrator’s Comments**

None at this meeting.

### **Attorney’s Comments**

Mr. Root briefly updated Council regarding the following:

- Motion to amend the agenda to remove the following items from the agenda: Proclamation 2020-02, 1<sup>st</sup> Reading of Ordinances 2020-09 & 2020-10, approval of Strategic Planning Retreat report, Planning & Economic Development Council report, & discussion regarding multifamily housing construction under Unfinished Business

Mr. Davis made a motion, seconded by Mr. Elliott, approved 5 – 0, to remove the following items from the agenda: Proclamation 2020-02, 1<sup>st</sup> Reading of Ordinances 2020-09 & 2020-10, approval of Strategic Planning Retreat report, Planning & Economic Development Council report, & discussion regarding multifamily housing construction under Unfinished Business.

### **State of Emergency Declaration**

Mr. Davis made a motion, seconded by Mr. Cain, approved 5 – 0, to approve the State of Emergency Declaration.

### **Proclamation 2020-02**

Proclamation 2020-02 In Support of the 2020 Census

**Proclamation 2020-02** was removed from the agenda earlier in the meeting– see attorney’s comments

### **Public Hearings for the Following Ordinances**

None at this meeting.

### **Third Reading of the Following Ordinances**

None at this meeting.

### **Second Reading of the Following Ordinances**

None at this meeting.

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## **First Reading for the Following Ordinances**

**Ordinance 2020-09** “AN ORDINANCE AMENDING THE “SIGN CONTROL ORDINANCE OF OCONEE COUNTY, SOUTH CAROLINA.”

**Ordinance 2020-09** was removed from the agenda earlier in the meeting – see Attorney’s comments

**Ordinance 2020-10** “AN ORDINANCE AMENDING THE ENFORCEMENT AND PENALTY PROVISIONS OF THE “LITTER CONTROL ORDINANCE OF OCONEE COUNTY, SOUTH CAROLINA.”

**Ordinance 2020-10** was removed from the agenda earlier in the meeting – see Attorney’s comments

**Ordinance 2020-11** “AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS, IN ONE OR MORE SERIES, TAX-EXEMPT OR TAXABLE, IN AN AMOUNT NOT TO EXCEED \$8,000,000 FOR THE PURPOSE OF REFUNDING ALL OR A PORTION OF THE COUNTY’S OUTSTANDING SERIES 2011 GENERAL OBLIGATION BONDS AND ACQUIRING, CONSTRUCTING, EQUIPPING, OR REHABILITATING VARIOUS CAPITAL PROJECTS, INCLUDING A FIRE ENGINE AND RELATED EQUIPMENT; AUTHORIZING THE COUNTY ADMINISTRATOR TO PRESCRIBE THE FORM AND DETAILS OF THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS OF THE BONDS; PROVIDING FOR BORROWING IN ANTICIPATION OF THE ISSUANCE OF THE BONDS; AND OTHER RELATED MATTERS.”

Mr. Elliott made a motion, seconded by Mr. Davis, approved 5 – 0, to approve **Ordinance 2020-11** on first reading.

## **First & Final Reading of the Following Resolutions**

None at this meeting.

## **Discussion Regarding Action Items**

**PO # 53708 Change Order # 2 / Nebo Church Road Relocation and West Apron Expansion / Amount: FAA (90%) \$1,166,720.87**  
**State (5%) \$64,817.83**  
**County (5%) \$64,817.83**  
**Change Order Total \$1,296,356.53**

On September 3, 2019 Council Approved the Award of ITB 18-06 to J. Davis Construction, Inc of Westminster, SC in the amount of \$2,101,783.46 with a 10% contingency \$210,178.34 for a total award of \$2,311,961.80. This included all labor, materials and equipment for the demolition of Nebo Church Road, the construction of the realigned Nebo Church Road, and the site preparation for the future West apron concrete at the Oconee County Regional Airport. This award included a cost reduction from an area of fill soil removed from the project by the FAA. For tracking purposes this reduction was titled Change Order 1.

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On February 18, 2020 County Council approved the acceptance and execution of the Federal Aviation Administration Airport Grant Offer for Airport Improvement Program (AIP) Project No. 3-45-0016-027-2020. This grant offer is to Expand the West Terminal Apron which is the final phase, phase 3, of this construction project.

It is the staff's recommendation that Council approve ITB 18-06 Change Order # 2 to J. Davis Construction, Inc., of Westminster, SC in the amount of \$1,296,356.53. This will bring the purchase order total to \$3,608,318.33.

Mr. Elliott made a motion, seconded by Mr. Hart, approved 4 – 1 [Mr. Davis recused; copy of recusal form filed with these minutes] to approve ITB 18-06 Change Order # 2 to J. Davis Construction, Inc., of Westminster, SC in the amount of \$1,296,356.53. This will bring the purchase order total to \$3,608,318.33.

**PO # 53075 Change Order # 1 / Title: Runway End 7 Fee Simple Acquisition Project (Phase III) / Amount: FAA (90%) \$8,550.00**  
**State (5%) \$475.00**  
**County (5%) \$475.00**  
**Change Order Total \$9,500.00**

On November 15, 2016, Council approved the award of RFP 16-07 for Professional Engineer and Consulting Services for the Oconee County Airport to W.K. Dickson & Company, Inc., of Columbia SC for a five-year term for services, as needed; and

On May 15, 2018 Council approved W.K. Dickson Work Authorization #1 in the amount of \$43,800.00 for conducting services related to land acquisition of TMS 256-00-01-011 (Hamilton Property), adjacent to the airport property adhering to Federal Aviation Administration (FAA) Order 5100.37B and Federal Aviation Administration (FAA) AC 5100-17 in order to enable reimbursement to Oconee County under the Federal Aviation Administration (FAA) Airport Improvement Plan (AIP) program.

Based upon relocation complications due to the needs of the landowner, delays have extended the length of the project and due to the age of the original appraisals updated appraisals were requested by the property Owner. This resulted in additional funding required to complete the needed documents for the land acquisition.

Amendment #1 (Change Order # 1 to PO 53075) to includes the following additional service fees:

- |   |  |
|---|--|
| A. Project Coordination & Facilitation:     | Additional Lump Sum: \$6,700.00        |
| B. Updated Appraisal (Subconsultant)        | Additional Lump Sum: \$1,700.00        |
| C. Updated Review Appraisal (Subconsultant) | Additional Lump Sum: <u>\$1,100.00</u> |
|   | \$9,500.00                             |

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It is the staff's recommendation that Council approve Change Order # 1 to W.K. Dickson & Co, Inc. of Columbia, SC in the amount of \$9,500.00. This will bring the purchase order total to \$53,300.00.

Mr. Elliott made a motion, seconded by Mr. Cain, approved 5 – 0, to approve Change Order # 1 to W.K. Dickson & Co, Inc. of Columbia, SC in the amount of \$9,500.00. This will bring the purchase order total to \$53,300.00.

### **Emergency Repair / Upgrade / Facilities Maintenance / Amount: Not to Exceed \$200,000.00**

**Budget: \$200,000.00 / Project Cost: \$200,000.00 / Balance: \$0.00**

Lake Julian, Facilities Maintenance Director, received a request to install additional electrical receptacles to several resident rooms at Lakeview Assisted Living. Upon inspection, it was found that the electrical panels are full with limited space for additional breakers and existing wiring is in bad condition; therefore, requiring immediate repair / upgrades. On February 11, 2020 Lake Julian contacted the Procurement Department requesting this to be considered an emergency repair. Due to the safety and wellbeing of the residents, the Procurement Director and the County Administrator deemed this an Emergency Repair. The lead time on materials is 2 to 3 weeks; soliciting bids this would add 3 to 4 weeks before materials could be ordered.

It is the staff's recommendation that Council [1] approve the Emergency Repair Award to Davis Electrical and Plumbing of Walhalla, SC in the NOT to exceed amount of \$200,000.00; and [2] authorize the Administrator to transfer funds as stated under Financial Impact.

Mr. McCall made a motion, seconded by Mr. Elliott, approved 5 – 0, to [1] approve the Emergency Repair Award to Davis Electrical and Plumbing of Walhalla, SC in the NOT to exceed amount of \$200,000.00; and [2] authorize the Administrator to transfer funds as stated under Financial Impact.

### **PRT Commission-Local ATAX Recommendations / Spring 2020 Cycle / \$54,000**

A portion of Local ATAX revenues received by Oconee County are made available for ATAX grants through Ordinance 2011-12. ATAX grants are to be tourism related grants that meet the ATAX guidelines specified by local and State mandates. Grants are recommended by the PRT Commission based on tourism impact of the project and approved by County Council. All external ATAX grant recipients are required to turn in intermediate reports every 60 days to the progress of the grant and a final report upon completion of the grant.

It is staff's request of approval of local ATAX recommendations per the attached spreadsheet.

Mr. Elliott made a motion, seconded by Mr. Davis, approved 5 – 0, to approve the local ATAX recommendations per the attached spreadsheet.

### **Council approval to adopt the 2020 Strategic Planning Retreat report**

2020 Strategic Planning Retreat report was removed from the agenda earlier in the meeting – see attorney's comments

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**W.K. Dickson Work Authorization # 6 / Airport / Amount:**

FAA	90%	\$ 88,830.00
State	5%	\$ 4,935.00
County	5%	\$ 4,935.00
		<b>Total Award: \$ 98,700.00</b>

**Budget:** \$98,700.00 / **Project Cost:** \$98,700.00 / **Balance:** \$0.00

Oconee County, the FAA and the SCAC have worked in conjunction for many years for the continued improvement of the Oconee County Regional Airport, including, but not limited to, for the following projects:

- On November 15, 2016, Council approved the award of RFP 16-07 for Professional Engineer and Consulting Services for the Oconee County Airport to W.K. Dickson & Company, Inc., of Columbia SC for a five-year term for services, as needed; and
- On July 17, 2018 Council approved the Federal Aviation Administration (FAA) Grant Offer for the Airport Improvement Program (AIP) Project No. 3-45-0016-024-2018 in the amount of \$671,220 for Land Acquisition, Relocation and Terminal Apron Expansion - Design Only; and
- On February 18, 2020 Council approved the Federal Aviation Administration (FAA) Grant Offer for the Airport Improvement Program (AIP) Project No. 3-45-0016-027-2020 in the amount of \$1,255,565.00 for Expansion of Terminal Final Phase and committed approximately \$69,754.00 in matching funds.

W.K Dickson Work Authorization #6 includes professional services for construction administration (CA) and construction observation (CO) for West Apron Expansion Paving.

It is the staff's recommendation that Council approve Work Authorization #6 from W.K Dickson & Co., Inc. for professional services for construction administration (CA) and construction observation (CO) for the West Apron Expansion Paving for a total award of \$98,700.00.

Mr. McCall made a motion, seconded by Mr. Elliott, approved 5 – 0, to approve Work Authorization #6 from W.K Dickson & Co., Inc. for professional services for construction administration (CA) and construction observation (CO) for the West Apron Expansion Paving for a total award of \$98,700.00.

**Request for Council approval for the allocation of funds in an amount not to exceed \$50,000.00 to assist the City of Westminster in their pre-grant requirements**

Mr. Elliott made a motion, seconded by Mr. Davis, approved 5 – 0, to approve the allocation of funds in an amount not to exceed \$50,000.00 to assist the City of Westminster in their pre-grant requirements.

**Board & Commission Appointments**

**Building Codes Appeal Board**

No questionnaires were submitted for the 1 At Large seat.

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Board of Zoning Appeals

No questionnaires were submitted for the District 5 seat.

Arts & Historical Commission

Mr. Hart made a nomination, approved 5 – 0, to appoint David “Mike” Phillips as the District 5 representation for the Arts & Historical Commission.

**Council Committee Reports**

Planning & Economic Development / Mr. Cain.....[03/03/2020]

The Planning & Economic Development Council Committee report was removed from the agenda earlier in the meeting – see attorney’s comments

**Unfinished Business**

- Discussion regarding approaches to issues commonly faced with increases in multifamily housing construction

Discussion of the multifamily housing construction under Unfinished Business was removed from the agenda earlier in the meeting – see attorney’s comments

**New Business**

None at this meeting.

**Executive Session:**

Mr. Hart made a motion, seconded by Mr. Elliott, approved 5 – 0, to enter into Executive Session for the following purposes, as allowed for in § 30-4-70(a) of the South Carolina Code of Laws:

*[1] Discussion regarding an Economic Development matter, Project Trout.*

Council entered Executive Session at 6:27 p.m.

Council returned from Executive Session at 6:49 p.m. on a motion made by Mr. Hart, seconded by Mr. Elliott, approved 5 – 0.

Mr. Davis stated that no action was taken in Executive Session.

**Second Reading of the Following Ordinances**

**Ordinance 2020-08** “AN ORDINANCE AUTHORIZING: (1) THE EXECUTION AND DELIVERY OF A DEVELOPMENT AND INFRASTRUCTURE CREDIT AGREEMENT TO PROVIDE FOR INFRASTRUCTURE CREDITS TO PROJECT TROUT; (2) THE ISSUANCE AND DELIVERY OF A MULTI-COUNTY INDUSTRIAL PARK AGREEMENT WITH PICKENS COUNTY; AND OTHER RELATED MATTERS.”

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Mr. Elliott made a motion, seconded by Mr. Hart, to approve **Ordinance 2020-08** on second reading.

Mr. Davis thanked Project Trout for choosing Oconee County and also noted this will be a great project as we continue to move forward.

Mr. Elliott echoed Mr. Davis' comments and also noted he appreciates all the efforts Project Trout is making and look forward to a great investment.

Regarding the previous motion made by Mr. Elliott, seconded by Mr. Hart, it was approved 5 – 0, to approve **Ordinance 2020-08** on second reading.

**Adjourn:**

Mr. Hart made a motion, approved unanimously, to adjourn at 6:50 p.m.

Respectfully Submitted:

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Katie D. Smith  
Clerk to Council

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OCONEE COUNTY COUNCIL  
RECUSAL FORM

Council Member Name: Julian Davis, III  
[Please Print]

Council Member Signature: [Handwritten Signature]

Meeting Date: 03.17.2020

Item for Discussion/Vote: PO# 53708 Change Order #2 / Nebo Church  
Road Relocation & West Apron Expansion

Reason for Recusal  I was not present for original meeting/discussion

I have a personal/familial interest in the issue.

Other: NO Financial Interest  
Owner is my Cousin

[Handwritten Signature]  
Katie Smith  
Clerk to Council